FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE CATSKILL/DELAWARE UV FACILITY METHODOLOGIES

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3.2. LAND USE, ZONING, AND PUBLIC POLICY

3.2.1. Introduction

Land use, zoning, and public policy analyses are performed to assess the effects of a proposed facility on existing uses and the project's consistency with underlying zoning and applicable public policies in a study area. This analysis assesses the compatibility of the proposed Catskill/Delaware Ultraviolet Light Disinfection Facility (the UV Facility) with the surrounding area during construction and operation at the Eastview Site and associated off-site work locations.

A study area generally includes the area in which a proposed facility could have a potential influence on future land use, zoning or public policy. The size of the study area relates to the type and size of the facility that is being proposed, and the context of the area that could be affected by this proposal. The proposed facility includes the Eastview Site in the Town of Mount Pleasant and Town of Greenburgh, in Westchester County, New York, where the UV Facility would be located, and two areas in the Town of Mount Pleasant involving the associated off-site work locations. As noted in Section 5, Off-Site Facilities, these locations would be associated with the proposed pressurization of the Catskill Aqueduct and the work required to fill the aerators at the Kensico Reservoir. The study areas for the UV Facility and associated off-site work locations are based on the types of potential effects the facility could have on land use, zoning, and public policy. A one-mile radius (approximately) was identified for the Eastview Site and a one-quarter mile radius was identified for the associated off-site work locations. The one-mile radius for the Eastview Site was selected due to the large properties found in the vicinity of the proposed facility's site. A smaller radius would have captured only a portion of these properties, so following a conservative approach; a one-mile radius was used to delineate this particular study area. In addition, the Taconic State Parkway, the Cross Westchester Expressway/I-287, and the Saw Mill River Parkway function as natural land use barriers and therefore they were considered appropriate boundaries for the study area. The smaller, quarter-mile study area for the associated off-site work locations was selected based on the temporary nature of the work that would be undertaken at those locations.

Where appropriate, secondary study areas are also defined to include the local and county roadways that would convey construction vehicles. Delineation of these secondary study areas was coordinated with the Traffic and Transportation analysis (see Section 4.9, Traffic and Transportation). State, interstate, and federal routes were not considered since these roads are designed to carry high volumes of traffic, including construction vehicles, and are not anticipated to be affected by the proposed action project. For the Eastview Site, the potentially affected roadways are all located within the large, one-mile study area. Therefore, a separate, secondary study area was not defined for this site. For the associated off-site work locations, the secondary study area includes the following roads and their adjoining land uses: Stevens Avenue, Columbus Avenue, Lakeview Avenue, Bradhurst Avenue (Route 100C), Commerce Street, Legion Drive, and Grasslands Road (Route 100C).

3.2.2. Baseline Conditions

The baseline conditions include the Existing Conditions (2004) and the Future Conditions Without the Proposed Project in 2008 and 2010. The two future years represent the peak construction year and the UV Facility's first full year of operation, respectively.

3.2.2.1. Existing Conditions

3.2.2.1.1. Land Use

The Westchester County's 1996 "Generalized Land Use" map, which has been digitized for the County's Geographical Information System (GIS) system, was collected to identify the land uses of the project site(s) and associated study areas.[1] Land use classifications at Eastview Site were mapped and described in the text.

Land uses within each study area were categorized into general land use classifications. These classifications include: very low-density residential, low-density residential, medium-density residential, high-density residential, commercial/residential, commercial, office, institutional, transportation, cemetery, manufacturing, nature preserve, private recreation, active open space, passive open space, undeveloped, and water supply. These classifications are based on Westchester County's 1996 "Generalized Land Use" map (the latest land use data available), which has been digitized for the County's GIS system.[2] The land use classifications provided in the Existing Conditions sections identify the uses within the study areas and, where applicable, identify land use patterns, relationships and trends. Land use classifications were mapped and described in text for the study area.

Existing sources of information were consulted. Sources for Westchester County include the County's 1996 "Generalized Land Use" map, and *Patterns for Westchester: The Land and the People,*[3] the County's comprehensive land use plan. Other town-specific documents were consulted including existing or proposed comprehensive plans; these plans were identified and summarized in their respective sections. Street maps, topographic maps, and aerial photographs were consulted to obtain land use information. In addition, field visits were conducted to confirm the published land use information. Field visits were conducted in August 2001, June 2002, August 2003, and February 2004.

3.2.2.1.2. Zoning

The most recent zoning ordinances and zoning maps were collected and reviewed to provide information describing the existing zoning regulations for the project site(s). For each applicable zoning district, the analysis identifies land uses allowed as-of-right (i.e., not requiring discretionary approval). Where applicable, special permit uses are listed. The zoning

[1] GIS. http://www.westchestergov.com (WCLUI96).
[2] Ibid.
[3] *Patterns for Westchester: the Land and the People* is Westchester County's long range planning policy document. This document is available on the Internet at: http://www.westchestergov.com/patterns/.

regulations were also consulted to determine maximum facility dimensions, building coverage, and minimum parking requirements.

3.2.2.1.3. Public Policy

Plans, policies, need statements and relevant reports were researched through multiple sources including direct contact with planning departments and other municipal and county entities and research via the internet. These documents were reviewed to determine applicability to the study area. Observations made during field visits, along with previous studies by municipalities, revealed ongoing trends that were projected to future years. Information from the Socioeconomic Conditions analysis was also consulted to identify future trends that could affect land use and public policy, such as population changes (see Section 4.7, Socioeconomic Conditions).

3.2.2.2. Future Without the Project

Planning departments were consulted about future development, planning policies, and zoning changes that may affect the study area and the NYCDEP was consulted about future development that could occur on the Eastview Site and associated off-site work locations. A list was compiled of all the development proposals that can be reasonably anticipated to be completed by the proposed facility's build year. Also, observations during field visits, along with previous studies by the municipalities, indicated ongoing trends, which were projected to future years. Using the information gathered, in combination with market conditions, constraints and incentives, land use conditions and trends were predicted for the Future Without the Project. Information from the Socioeconomic Conditions analysis also helped to identify future trends, such as population changes, that may affect land use in the study area (see Section 4.7, Socioeconomic Conditions).

3.2.3. Potential Impacts

3.2.3.1. Potential Project Impacts

3.2.3.1.1. Land Use

A detailed land use analysis was conducted to assess the facility's potential land use impacts, pursuant to the *CEQR Technical Manual*. Direct land use impacts associated with the operation of the proposed facility were described in conjunction with multiple parameters, including socioeconomic conditions, traffic and transportation, open space, noise, visual character, neighborhood character, and air quality. The land use analysis also evaluated the project's compatibility with anticipated future land uses. Specifically, the use, size, and other special characteristics of the proposed facility were described in relation to the surrounding area.

There are three types of land use effects the proposed facility may have. The effects themselves were not considered significant unless certain criteria were met. The first type of effect is displacement. The thresholds to determine whether displacement would be significant and

adverse are identified in Section 3.7, Data Collection and Impact Methodologies, Socioeconomic Conditions.

The second type of land use effect is the creation of an incompatible land use. Such a land use change would be significant and adverse if it:

(1) Interferes with the functioning of other land uses;
(2) Conflicts with public policy; and/or
(3) Significantly alters the area's neighborhood character (see Section 4.6, Neighborhood Character).

The third type of effect the proposed facility may have is to cause the surrounding land uses to change. Change is considered significant and adverse if it:

(1) Conflicts with other surrounding uses;
(2) Is incompatible with public policy;
(3) Creates an increase in density that is not consistent with public policy or the increase overburdens the area;
(4) Increases density of development, thereby exceeding the capacity of the study area to support such development;
(5) Accelerates a negative trend; and/or
(6) Negatively affects the real estate market forces.

The potential effects generated by the proposed UV Facility and associated off-site work locations are evaluated in light of these criteria. The analysis of future conditions associated with the proposed facility identifies the differences in use (with and without the proposed facility) of the sites during the build year, identifies the proposed use's compatibility with the surrounding land uses, and discusses whether the action would have the ability to generate change in the study area. Therefore, the extent to which land use impacts were evaluated varied depending on the nature of the proposed work at each site and the overall land use context.

3.2.3.1.2. Zoning and Other Public Policy

This analysis discusses whether a zoning ordinance amendment, map change, or special approval would be required to build the proposed facility. Such requirements are described, as is the process for making the changes. If zoning changes would be required, their potential effects on other zoning districts in the study area are evaluated. The proposed facility's compliance with existing land use plans and policies is also assessed. Where the proposed facility would conflict with a policy or plan, the effects on that policy or plan is described and the importance of the conflict is assessed.

Potential zoning impacts are significant and adverse if: (1) the proposed facility creates a use that cannot readily comply with the underlying district; (2) the land use is significantly inconsistent with plans or policies for the site or study area; or (3) significant material changes to the zoning regulations or policies are necessary to implement the proposed project.

3.2.3.2. Potential Construction Impacts

The affected areas were determined based on the real extent of construction activities. The assessment of Potential Construction Impacts was conducted in a similar fashion to that described in the Potential Project Impacts section above, with consideration of the duration and magnitude of construction activities.

3.2.4. Mitigation

Specific mitigation measures were developed when significant adverse impacts on land use, zoning, or public policy were identified. The mitigation measures are intended to reduce or eliminate impacts related to open space, noise, traffic, aesthetics, and socioeconomic conditions, all of which contribute to the compatibility of land uses. Mitigation measures are also developed to eliminate or minimize non-conformance with applicable zoning regulations and to ensure compliance with public policy.